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09/662,358	09/15/2000	Taiji Noda	0819-0423	1724
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NIXON PEABODY, LLP			MAI, ANH D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Status of the Claims

1. The Request for Reconsideration filed February 15, 2004 has been entered. Claims 1-10, 12, 15, 21, 23 and 24 are pending. Non-elected invention, claims 1-5 have been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-10, 12, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burr et al. (U.S. Patent No. 5,650,340), in view of Richards, Jr. et al. (U.S. Patent No. 5,786,620) and Sultan (U.S. Patent No. 5,970,353) (all of record).

With respect to claim 6, Burr teaches a method for fabricating a semiconductor device substantially as claimed including:

a first step of forming a gate electrode (125) over a semiconductor region (121) with a gate insulating film (123) interposed therebetween; (see Fig. 4F);

a second step of implanting heavy ions into the semiconductor region (121) on the side of the gate electrode (125) using the gate electrode (125) as a mask, thereby forming a first ion implanted layer (116) of a second conductivity (p), at least upper part of which is an amorphous

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layer, wherein the heavy ions are indium ions at a dose of 5×10^{12} to $5 \times 10^{13} \text{ cm}^{-2}$; (see Fig. 4G, col. 11, lines 57-67);

a third step of implanting ions of a first dopant (n) into the semiconductor region (121), in which the amorphous layer has been formed, using the gate electrode (125) as a mask, thereby forming a second ion implanted layer (131A-B) of a first conductivity type (n); (see Fig. 4H);

a fourth step of conducting a first annealing process to activate the first (116) and second (131A-B) implanted layers, thereby forming an extended high-concentration dopant diffused layer (131A-B) of the first conductivity type (n) through diffusion of the first dopant (n) and a pocket dopant diffused layer (116) of the second conductivity type (p), which is in contact with a bottom portion of the extended high-concentration dopant diffused layer (131A-B), through diffusion of the heavy ions (B, In), respectively,

wherein in the second step, a dislocation loop layer is formed in the lower region of the amorphous layer in the semiconductor region due to the heavy ions implantation, and

in the fourth step, the pocket dopant diffused layer (116) is formed having a peak dopant concentration produced by trapping heavy ions (B, In) in the dislocation loop layer, the pocket dopant diffused layer (116) and the extended high-concentration dopant diffused layer (131 A-B) are in contact at the peak dopant concentration of the pocket dopant diffused layer (116) and a side of the extended high-concentration dopant diffused layer (131A-B) located below the gate electrode is not covered by the pocket dopant diffused layer (116). (See Fig. 4F-I, col. 10, line 45-col. 12, line 44).

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Thus, Burr is shown to teach all the features of the claim with the exception of implanting heavy ions into the semiconductor region (121) on both sides of the gate electrode (125) and the dose for the indium heavy ions to be more than $5E13 \text{ cm}^{-2}$ although the dose of $5E13 \text{ cm}^{-2}$ of Burr have already met the lower limit of the claimed dose.

Note that the claimed dose of more than $5E13 \text{ cm}^{-2}$ does not appear to be critical.

However, Richards teaches that to reduce the short channel effects (SCE) both source and drain pocket implants are preferably used to simplify the process. (See col. 21, ll. 46-56).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to implant heavy ions into the semiconductor region of Burr on both sides of the gate electrode as taught by Richards to simplify the process.

Sultan teaches that a higher indium ions dose $1E14 \text{ cm}^{-2}$ have been used to amorphize and to form pocket dopant diffusion layer (62). (See col. 6, lines 6-20).

Note that the specification contains no disclosure of either the *critical nature of the claimed* dose of more than $5E13 \text{ cm}^{-2}$ of any unexpected results arising therefrom. Where patentability is aid to based upon particular chosen dimension or upon another variable recited in a claim, the Applicant must show that the chosen dimension are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to implant indium heavy ions of Burr at the dose as taught by Sultan to amorphize and form pocket dopant diffusion layer.

With respect to the limitation “at least upper part of which is an amorphous layer”, the upper part of the semiconductor region (121) is amorphized by the implantation of the heavy ions that form the first ion implanted layer (116). This is well known in the art.

With respect to the functional limitation “the pocket dopant diffused layer is formed having a peak dopant concentration produced by trapping heavy ions in the dislocation loop layer”, this is an inherent result of the implantation of heavy ions, such as indium, into the semiconductor region.

With respect to claim 7, the part of the pocket dopant diffused layer (116) of Burr in which the heavy ions (In) are trapped should overlap with a dopant profile of the extended high-concentration dopant diffused layer (131A-B). (See Fig. 4H).

With respect to claim 8, method of Burr further includes:

forming a sidewall spacer (135) on side faces of the gate electrode (125) after the third step has been performed;

implanting ions of a second dopant (n) into the semiconductor region (121) using the gate electrode (125) and the sidewall spacer (135) as a mask, thereby forming a third ion implanted layer (137A-B) of the first conductivity type (n); and

conducting a second annealing process to activate the third ion implanted layer, thereby forming a high-concentration dopant diffused layer (137A-B) of the first conductivity type (n), which is located outside of the extended high-concentration dopant diffused layer (131A-B), has

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a junction deeper than that of the extended high-concentration dopant diffused layer (131A-B) and has been formed through diffusion of a second dopant. (See Fig. 4I).

With respect to claim 9, the heavy ions of Burr are implanted at such an implant energy as forming an amorphous/crystalline interface, through implantation of the heavy ions, at a level equal to or deeper than a range of the first dopant (n^-) and shallower than a range of the second dopant (n^+).

With respect to claim 10, method of Burr further includes:

implanting ions (p) into a surface part of the semiconductor region (111), thereby forming a fourth ion implanted layer (121) of a second conductivity type (p) before the first step is performed; and

conducting a third annealing process to activate the fourth ion implanted layer (p), thereby forming a dopant diffused layer (121) to be a channel region. (See Fig. 4B, col. 10, line 64-col. 11, line 13).

With respect to claim 12, the heavy ions of Burr are implanted at such an implant energy (50-70 KeV) as making the range of the heavy ions equal to or deeper than the range (20-60 KeV) of the first dopant (131A-B) and between one to three times as deep as the range of the first dopant (131A-B).

With respect to claim 21, the first dopant of Burr is arsenic.

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With respect to claim 23, the first and second dopant of Burr are arsenic.

With respect to claim 24, the fourth ion implanted layer (121) of Burr is formed into the surface part of the semiconductor region (111) by implanting p-type dopant.

Thus, Burr is shown to teach all the features of the claim with the exception of explicitly disclosing p-type dopant includes indium.

However, boron and indium are well known in the art as p-type dopants in silicon system and subsequently used to form p-type layer 116.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to form layer 121 of Burr using indium ions because either boron or indium ions are well known p-type dopant.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burr '340 as applied to claim 6 above, and further in view of Tsukamoto (U.S. Patent No. 5,399,506) of record.

Burr and Richards teach conducting the first annealing process using a rapid thermal annealing (RTA) as is well known to those skill in the art.

Thus, Burr and Richard are shown to teach all the features of the claim with the exception of explicitly disclosing the details of RTA process.

However, Tsukamoto teaches that RTA process is well known in the art including: a semiconductor region is heated up to a temperature between 950 °C and 1050 °C at a rate between 100 °C/sec to 150 °C/sec and then kept at the temperature for a period of time between 1 to 10 seconds.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention perform the RTA process of Burr as taught by Tsukamoto to activate the dopants.

Response to Arguments

4. Applicant's arguments filed February 15, 2004 have been fully considered but they are not persuasive.

Through a lengthy argument, Applicant fails to identify which limitation is not taught by the references.

Although the dose of $5 \times 10^{13} \text{ cm}^{-2}$ is good enough for the rejection because the dose of $5 \times 10^{13} \text{ cm}^{-2}$ is already within the order of magnitude of the term "more than $5 \times 10^{13} \text{ cm}^{-2}$ ". Sultan '353 is cited to show that the dose of "more than $5 \times 10^{13} \text{ cm}^{-2}$ ", (e.g., $1 \times 10^{14} \text{ cm}^{-2}$) has been known in the art (invented).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., trapping indium ions in the dislocation loop layer) are not recited in the rejected claim 6. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues: that is, even if indium ions are implanted in an upper limit dose of $5 \times 10^{13} / \text{cm}^2$ in Burr, Burr does not disclose the claimed invention unless an amorphous layer and a dislocation loop layer were formed in the semiconductor region as is the case with the present invention.

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However, the term: “at least upper part of which is an amorphous layer” fails to claim when the amorphous layer is formed. Applicant is appreciated that indium are large and heavy atoms, thus, implanting indium should result in amorphizing at least the upper part.

Therefore, “at least upper part of which is an amorphous layer” is an inherent result of implanting heavy ions (indium) of Burr.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to the criticality, pages 19 and 20 fail to show that the dose of about $1 \times 10^{14}/\text{cm}^2$ is critical so as the dose of more than $5 \times 10^{13}/\text{cm}^2$.

The criticality nature of the claimed dose is not established.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

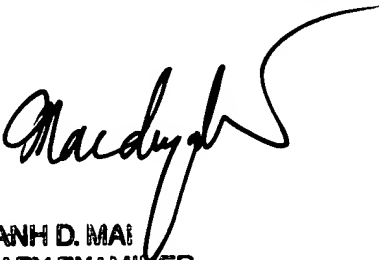
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh D. Mai whose telephone number is (571) 272-1710. The examiner can normally be reached on 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Anh D. Mai', with a long, sweeping flourish extending to the right.

ANH D. MAI
PRIMARY EXAMINER

May 4, 2005